

EXHIBIT V

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

- - - - - X
EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :
Plaintiff, :
KATHY C. KOCH, : Case No
Intervenor/Plaintiff, : WDQ-02-CV-648
v. :
LA WEIGHT LOSS CENTERS, INC., :
Defendant. :
- - - - - X Pages 1-106

DEPOSITION OF MERCEDES GENERETTE
District of Columbia
Tuesday, September 6, 2005

Reported by: Marijane Simon, RDR, CLR
Job No. 174959

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1 A. In Falls Church.
 2 Q. In Falls Church?
 3 A. Yes.
 4 Q. -- as a medical technician -- were you
 5 responsible for hiring?
 6 A. No.
 7 Q. Were you involved in the hiring
 8 process at all?
 9 A. No.
 10 Q. Now, you occupied four positions over
 11 your tenure -- during your tenure at LA Weight
 12 Loss as I understand it: counselor, assistant
 13 manager, manager, and med tech.
 14 A. Yes.
 15 Q. Is it your testimony that at no time
 16 were you responsible or involved in hiring except
 17 for the one interview that you described?
 18 A. Right. And except for just referring.
 19 That was it.
 20 Q. Did you ever have anyone walk into
 21 the -- to your center, either in Manassas or in
 22 Falls Church, and submit an application for

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1 employment?
 2 A. Yes.
 3 Q. Were you the one to receive those
 4 applications?
 5 A. Yes.
 6 Q. What did you do with those
 7 applications after you received them?
 8 A. Give them to Kim Bellone.
 9 Q. By "application," by the way, I'm sort
 10 of referring generally to either the submission of
 11 a resume or completion of an application that is
 12 LA-Weight-Loss-specific; so in instances where you
 13 received any of those documents, it's your
 14 testimony that you passed those on to Kim Bellone?
 15 A. Yes.
 16 Q. Do you know what Kim did with those
 17 documents?
 18 A. Some of them, she would read them and
 19 call them in for an interview.
 20 Q. Mm-hmm.
 21 A. I've seen her personally tear one up,
 22 and other ones, I couldn't tell you what she did

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1 with them.
 2 Q. Do you know why she tore up one of the
 3 applications?
 4 A. The patient was -- The person was
 5 HIV-positive.
 6 Q. Do you recall that person's name?
 7 A. No, I don't.
 8 Q. Other than seeing Miss Bellone tear up
 9 that one application, did you ever see any
 10 applications for employment torn up or discarded?
 11 A. No.
 12 Q. Do you know whether Ms. Bellone sent
 13 applications and related documents to corporate?
 14 A. I don't know.
 15 Q. Do you know or were you familiar at
 16 the time that you were employed with what LA
 17 Weight Loss's record retention policy was, if any?
 18 A. No.
 19 Q. Did you ever hear anyone discuss LA
 20 Weight Loss's records retention policy?
 21 A. No.
 22 Q. Did you ever hear anyone at LA Weight

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1 Loss discuss what should be done with applications
 2 after they're submitted?
 3 A. No.
 4 Q. Now, Ms. Generette, you've testified
 5 that you signed a form stating that you received
 6 the employee handbook.
 7 A. Yes.
 8 Q. And the employee handbook, according
 9 to that form, contains LA Weight Loss's policies
 10 and procedures.
 11 Do you have any recollection of
 12 reading the book?
 13 A. I'm sure I did.
 14 Q. Do you have any recollection of
 15 whether or not that handbook contained an EEO
 16 policy regarding hiring?
 17 A. I'm sure it did.
 18 Q. You're sure it did?
 19 A. I'm sure it did, but I'm not -- I
 20 can't say exactly what was in the book at the
 21 time. It's been a while.
 22 Q. It's been a while?

13 (Pages 46 to 49)